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7 Attorneys for Plaintiffs

8 HTC CORPORATION and HTC AMERICA, INC.

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

13 HTC CORPORATION and HTC
14 AMERICA, INC.,

15 Plaintiffs,

16 v.

17 TECHNOLOGY PROPERTIES
LIMITED, PATRIOT SCIENTIFIC
18 CORPORATION and ALLIACENSE
LIMITED,

19 Defendants.

Case No. C 08 00882 JF

(Related to C 08 00877 JF and C 08 00884 JF)

**DECLARATION OF HOGO HO IN SUPPORT
OF PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION (1) TO DISMISS ON
GROUNDS OF LACK OF SUBJECT MATTER
JURISDICTION, (2) IN THE ALTERNATIVE,
TO TRANSFER TO THE EASTERN
DISTRICT OF TEXAS, AND (3) IN THE
ALTERNATIVE, TO STAY PENDING
APPEAL IN A RELATED CASE INVOLVING
THE SAME ISSUES**

28 DECLARATION OF HOGO HO IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS, TRANSFER, OR STAY

Case No. C 08 00882 JF
(related to C 08 00877 (JF) and C 08 00884 (JF))

1 I, Hogo Ho, declare:

2 1. I am a Senior Manager in the Legal and Intellectual Property Division of plaintiff
3 HTC Corporation ("HTC"), and I have held that position since July 2005. As a Senior Manager
4 in the Legal and Intellectual Property Division of HTC, I am familiar with the operations of both
5 HTC and plaintiff HTC America, Inc. ("HTC America"), HTC's U.S. subsidiary. I have personal
6 knowledge of the facts set forth in this Declaration, know them to be true and correct, and can
7 testify competently thereto if called upon to do so.

8 2. Beginning in or about December, 2005, defendant Technology Properties Limited
9 ("TPL"), through defendant Alliacense Limited ("Alliacense"), has demanded that HTC and its
10 subsidiaries enter into a royalty-bearing license to certain patents including U.S. Patent Nos.
11 5,440,749, 5,784,584, 5,809,336 and 6,598,148, which I understand are co-owned by TPL and
12 defendant Patriot Scientific Corporation. TPL's demands were accompanied by allegations that
13 HTC products infringe one or more of these patents, and included claim charts purporting to
14 describe how certain HTC products are allegedly practicing the claims of TPL's patents. HTC
15 has denied, and continues to deny, that it infringes any of TPL's patents.

16 3. TPL (through Alliacense) met with HTC multiple times throughout 2006 and
17 2007. During this period, TPL (through Alliacense) continued to demand that HTC promptly
18 take a license to TPL's patents on the behalf of itself and its subsidiaries. For instance, on
19 October 9, 2007, TPL (through Alliacense) sent HTC a memorandum advising that "if HTC
20 wishes to postpone its licensing," then "HTC's products are exposed to litigation and ITC
21 actions." TPL (through Alliacense) and HTC continued to discuss a potential license agreement
22 during the following months, but by February, 2008, the talks had reached an impasse.

23 4. It is my belief that the dispute between HTC, HTC America and the defendants
24 can be more conveniently resolved in San Jose, California than in Marshall, Texas. HTC
25 America is in charge of sales and distribution of HTC products in the United States and is
26 headquartered in Bellevue, Washington. Witnesses and party representatives from HTC America
27 can take a non-stop, direct flight of approximately two hours from Seattle, Washington to reach
28 San Jose, California. I estimate that it would take those same people three times that amount of

1 time to reach Marshall, Texas because they would first have to fly to Dallas, Texas (a flight of
2 approximately four hours), followed by surface travel of approximately a hundred and fifty miles.

3 5. HTC is a Taiwan corporation headquartered in Taoyuan, Taiwan. Witnesses and
4 party representatives from HTC in Taiwan could take a non-stop commercial flight from Taipei,
5 Taiwan directly to San Francisco, California, which takes approximately eleven and a half hours.
6 In order for those same witnesses and representatives to travel to Marshall, Texas, they would
7 have to first make the trip to the United States (through San Francisco or another connecting
8 airport), then take a second flight to Dallas, Texas, followed by approximately a hundred and fifty
9 miles of ground travel to Marshall, Texas. I estimate that, once typical delays and layovers and
10 ground transportation are accounted for, it would likely take HTC witnesses and representatives
11 in Taiwan twenty-two hours or more to travel to Marshall, Texas.

12 6. Neither HTC nor HTC America has any employees, facilities or documents
13 pertinent to this case located in the Eastern District of Texas.

14
15 I declare under penalty of perjury that the foregoing is true and correct. Executed in
16 Taoyuan, Taiwan.

17 Dated: July 10, 2008

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19 By: /s/ Hogo Ho

20 Senior Manager
21 Legal and Intellectual Property Division
22 HTC Corporation
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